

SPIRO | HARRISON

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September 27, 2021

VIA ECF & EMAIL

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007
Furman_NYSDChambers@nysd.uscourts.gov

Re: Nastasi & Associates, Inc. v. Bloomberg, L.P. et al, Index No. 1:20cv5428

Dear Judge Furman:

The parties noticed an error in the joint September 24, 2021 letter (ECF No. 27) in connection with the date for Plaintiff to file its opposition to Defendants' motion to dismiss. The parties intended for Plaintiff to file its opposition to Defendants' motion to dismiss on November 30, 2021, not November 20, 2021, as indicated in the joint September 24, 2021 letter. Accordingly, the parties submit this corrected joint letter with the corrected briefing schedule as agreed upon by all parties. Other than the correction of this one date below, this letter is identical to the September 24 letter in all respects.

All parties to the above-referenced action jointly submit this letter pursuant to the Court's September 13, 2021 Order (the "Order"). (ECF No. 25.) In its Order, the Court asked the parties to propose a path forward in this case, including whether the case should be stayed pending Plaintiff Nastasi & Associates, Inc.'s ("Nastasi") most recent appeal; whether an answer deadline and/or briefing schedule should be set; and whether an initial conference should be held.

First, Nastasi has confirmed its intention to withdraw its Notice of Appeal filed in the U.S. Court of Appeals for the Second Circuit of this Court's order in the related action (Index No. 1:18cv12361.) Accordingly, it is unnecessary to stay this action pending that appeal.

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Honorable Jesse M. Furman
September 27, 2021
Page 2 of 4

Next, all parties have agreed to the following briefing structure and schedule for the motion to dismiss, which complies with this Court's March 13, 2019 order (ECF No. 101) in the predecessor action, dismissed on August 11, 2021:

- By October 22, 2021, Defendants will file a joint memorandum of law in support of their motion to dismiss, not to exceed 30 pages, which will set forth a common statement of facts and will present a common discussion of the law. Each Defendant may also submit an individual memorandum of law, not to exceed 8 pages, which will address factual and legal issues unique to its, his or her particular posture in this action;
- By November 30, 2021, Plaintiff will file a single consolidated memorandum in opposition, not to exceed 50 pages; and
- By December 14, 2021, Defendants will file a single, consolidated reply memorandum, not to exceed 20 pages.

Given the above agreements, the parties do not believe a conference with the Court will be necessary at this time. We respectfully request that the Court enter an order reflecting this agreement.

Respectfully Submitted,

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Honorable Jesse M. Furman
September 27, 2021
Page 3 of 4

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Honorable Jesse M. Furman
September 27, 2021
Page 4 of 4

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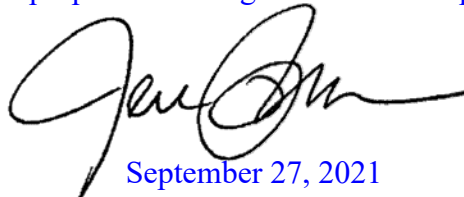
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cc: All Counsel of Record (via ECF)

Application GRANTED. The parties' proposed briefing schedule is adopted. SO ORDERED.



September 27, 2021